

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

<p>WILLIAM CHASE WOOD, et al., Plaintiffs,</p> <p>vs.</p> <p>WORLD WIDE ASSOCIATION OF SPECIALTY PROGRAMS AND SCHOOLS, INC., et al., Defendants.</p>	<p>MEMORANDUM DECISION AND ORDER DENYING MOTIONS TO DISMISS</p> <p>Case No. 2:06-CV-708 TS</p>
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Defendants Teen Help, Peacock Enterprises, and RBL Limited Family Partnership,¹ and Defendants World Wide Association of Specialty Programs and School, Ken Kay, and Robert B. Lichfield,² move to dismiss all claims against them because Plaintiffs failed to comply with the Order for a More Definite Statement and the existing complaint fails to state a claims upon which relief can be granted. The Court finds that such a sanction is not warranted where the consequences of failing to comply with the Order for More Definite

¹Docket No. 243.

²Docket No. 248.


Statement have already been imposed. Because Plaintiffs had not complied, the Magistrate Judge denied leave to file the Fourth Amended Complaint - Version 2, and this Court affirmed that decision.

Defendants remain free to raise their contentions regarding failure to state a claim in due course. First, the Court must resolve the Plaintiffs' pending Motion for Reconsideration of its denial of leave to amend and request for leave to file a new amended complaint. It is therefore

ORDERED that the Motions to Dismiss (Docket Nos. 243 and 248) are DENIED WITHOUT PREJUDICE.

DATED September 23, 2008.

BY THE COURT:



TED STEWART
United States District Judge